

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                  )    Case No. 2:10CR00015  
                                  )  
                                  )  
v.                              )    **FINAL ORDER**  
                                  )  
                                  )  
CLAYTON FULTZ,              )    By: James P. Jones  
                                  )  
                                  )    United States District Judge  
                                  )  
                                  )  
                                  )  
Defendant.                   )

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** that the Motion to Dismiss (ECF No. 169) is GRANTED; the  
defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28  
U.S.C.A. § 2255 (ECF No. 160) is DENIED; and the § 2255 proceeding is stricken  
from the active docket of the court. Based upon the court's finding that the  
defendant has not made the requisite showing of denial of a substantial right, a  
certificate of appealability is DENIED.

ENTER: January 14, 2014

/s/ James P. Jones  
United States District Judge